

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

MICHAEL LANE, #1238595

§

VS.

§

CIVIL ACTION NO. 6:14cv305

JOHN A. RUPERT, ET AL.

§

ORDER OF DISMISSAL

Plaintiff Michael Lane, an inmate confined at the Coffield Unit of the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was directly assigned to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the civil rights lawsuit should be dismissed. The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Plaintiff, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Plaintiff are without merit. The Court specifically notes that the Plaintiff is precluded by the doctrine of collateral estoppel from relitigating the findings issued by the Southern District of Texas in *Lane v. Thaler*, No. H-12-1501 (S.D. Tex. Feb. 20, 2013), *c.o.a. denied*, No. 13-20163 (5th Cir. Oct. 4, 2013), *cert. denied*, No. 13-9042 (May 19, 2014). His claims are foreclosed in light of the decision issued by the Southern District. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the Report and Recommendation (docket entry #10) is **ADOPTED**. It is further

ORDERED that the civil rights complaint is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). It is finally

ORDERED that all motions not previously ruled on are **DENIED**.

It is SO ORDERED.

SIGNED this 27th day of June, 2014.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE